REMARKS

The claims have been amended in order to more particularly point out and distinctly claim the invention and to overcome various of the grounds of rejection set forth in the Final rejection dated May 14, 2007. Inasmuch as no new matter is introduced by these amendments, entry thereof is respectfully requested.

The rejection of Claims 1-4 and 6-8 under 35 V.S.C. 103(a) as being unpatentable over Lippert (3,386,182) in view of Brown (4,080,927) is respectfully traversed. In support of the rejection, the Examiner rejected Applicant's arguments as not being commensurate with the scope of the claims, and rejected the claims for reasons listed in the previous Office Action. In that Action, the Examiner stated:

> "---*Lippert teaches a process of wetting powder with a liquid substance (column 3, lines 25-40). This liquid is supplied through annular ducts and is discharged into an atomizing stream (figure 5). It is the position of the examiner that this reads on producing an upward spray of coating fluid by means of a two-fluid nozzle. A perforated bottom plate is used to provide gas jets that are acentral and intersect the centerline of the spray (figure 1). As the powder spins in a circular motion around the bed, it is inherent that the powder would have an end-over-end movement as well. From the movement lines (6) of figure 1, it is shown that the jets guide the powder over the nozzle, thereby increasing the number of suspended bodies contacting the spray. The liquid is injected into a high velocity gas stream that breaks up the liquid (column 4, lines I-5). This reads on providing an atomization gas to the two-fluid nozzle. A curved valve is used in the nozzle in order to reduce scattering effects (column 3, lines 49-65)--*" (emphasis added).

Without admitting or denying that the Examiner has correctly characterized the disclosure of the reference to Lippert, the claims have been amended to clarify the nature of Applicant's process so as to support a critical limitation set forth in the

claims, namely that invention is limited to a non-fluidized bed process for coating bodies wherein:

> "*the bodies are pneumatically transported in the coating zone in a non-fluidized state*".

The Lippert reference is limited to coating methods wherein the coating method is carried out while the particles to be coated are maintained in a fluidized state. See the Abstract; paragraph bridging cols. 1 and 2; col. 2, ll 28-30, ll 38-40 and Fig. 1, ll 44-45 and Fig. 2, l 46 and Fig. 3, ll 53-54 and Fig. 6, l 58, l 62, l 65, l 72; col. 3, l 5, l 11, l 15, l 23, l 42, ll 52-53, l 61, l 66; col. 4, ll 5-6; and the claims.

The Examiner's in support of his rejection relies on the secondary reference to Brown. The disclosure of which is also limited to fluidized bed coating methods. See the Title; Abstract; col. 1, ll 5-12; col. 2, ll 36-54; col. 3, ll 3-8; paragraph bridging cols. 3 and 4; Fig. 1; col. 4, 3d full paragraph, l 53; paragraph bridging cols. 4 and 5; col. 5, first full paragraph, l 33, last full paragraph; col. 6, ll 33-36, l 49; paragraph bridging cols. 6 and 7; col. 7, ll 3-37; the Figures, and the claims.

The amendments to the claims clearly eliminate Brown as a reference to support the rejection. As pointed out above, a critical element of the claimed process is that it is conducted without a fluidized bed and in a manner such that the particles to be coated are not suspended in a fluidized condition during the coating operation. See page 7, third full paragraph bridging pages 2 and 3 through page 5, which states, "Thus, the invention deals with a non-fluidized bed apparatus for coating tablets and other small tablets.. "to overcome the disadvantages associated with fluidized bed coating methods and systems as pointed out at page 2, fourth full paragraph to page 5.

The entire thrust of the claimed invention is the provision of a non-fluidized bed method and system whereby small particles can be uniformly coated with fluid

materials without employing any fluidized bed principles. Since the references relied upon by the Examiner are strictly limited to fluidized-bed coating methods, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 5 and 9 under 35 U.S.C. 103(a) as being unpatentable over Lippert (3,386,182) in view of Brown (4,080,927) and further in view of Inaoka is likewise respectfully traversed. The reference to Inoaka is cited to show that the coating of particles of the size set forth in Claims 5 and 9 would be an obvious variant of the methods disclosed by Lippert and Brown. Notwithstanding any disclosure by Brown of specific particle sizes; however, the fact remains that the reference does not supply the deficiencies of the primary reference, namely, the disclosure of a non-fluidized bed method or system for coating particulate tablets or small bodies.

Accordingly, withdrawal of this ground of rejection is also respectfully requested.

Applicant has earnestly endeavored to pace the application in condition for allowance by introducing amendments commensurate with it arguments and canceling the non-elected claims. In view thereof, reconsideration and withdrawal of the rejections and passage of the application to issue are earnestly solicited.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (628-8711US04) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be

required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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